

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 329 - HB 304

February 28, 2011

SUMMARY OF BILL: Adds synthetic derivatives of Methcathinone to the list of Schedule I controlled substances.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$501,300/Incarceration*

Assumptions:

- It is currently a Class B felony offense for a person knowingly to manufacture, deliver, or sell a Schedule I controlled substance, or to possess a Schedule I controlled substance with the intent to manufacture, deliver, or sell such substance. A Class B felony carries a possible sentence ranging from eight to thirty years and a fine of up to \$100,000. Simple possession of a Schedule I controlled substance is a Class A misdemeanor.
- Pursuant to Tenn. Code Ann. § 39-17-417(k), if the recipient or intended recipient of the controlled substance is under 18 years of age or if the offender is designated as a habitual drug offender, the offense is punishable as a Class A felony.
- According to the Department of Correction (DOC), there have been an average of 38 admissions for Schedule I drug offenses in each of the past 10 years. DOC estimates there will be a 10 percent (4) increase in admissions as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four additional offenders in the tenth year.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class B felony is 5.66 years (2,067.32 days) at a cost of \$125,320.94 (\$60.62 x 2,067.32 days). The total additional operating cost for four offenders is \$501,283.76 (\$125,320.94 x 4).
- According to the District Attorneys General Conference, there will not be a significant impact on current case loads.
- Any additional cost can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of this bill

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc